

REMARKS

The claims have been amended to address the rejection of the claims under 35 USC 112, and to make other, self-evident changes therein. The claims before the Examiner for consideration remain claims 13 to 23.

The two-way restriction requirement and applicants' election of the second group is acknowledged; see also the Confirmation of Telephone Election filed June 28, 2005.

A minor change has been made in the specification.

The rejection of the claims under the second paragraph of 35 USC 112 is noted. It is believed that the rejection has been overcome by changing the term "a primary particle" in each of claims 14 and 21 to "the primary particulate crystalline". Should the Examiner prefer other language, he is asked to contact the undersigned.

The rejection of claims 13 to 23 under 35 USC 103 as unpatentable over Yasumatsu et al. '648 in view of Tomiyama et al. '314 and Xu et al. '387 is respectfully traversed.

The Examiner asserts that the primary reference teaches all of the features of the claimed invention but for the size of the

powder and the salt of the iron complex. The secondary references are said to show same, and the Examiner concludes that it would have been obvious to combine all three references "with a reasonable expectation of success" to use the powder size and the salt of the charge control agent of the primary reference "in a toner composition that has better chargeability for the developer used in an electrophotographic image-forming method."

There is no indication or suggestion in either secondary reference that the size or salt used therein is a result-effective variable that could give the results achieved by the present invention. Moreover, Xu et al. '387 in [0067] merely teaches that a charge control agent is used as an emulsion of specific average particle size in water. In contrast, the charge control agent in the present invention is powdery, rather than in emulsion form; see, for example, page 26, lines 8 to 10, and page 30, lines 8 to 10, of the specification.

Furthermore, a collective reading of the references does not teach or suggest the advantages reported in the working and comparative examples in the present case. (The Examiner should note that the primary reference is owned by the present assignee

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and that there is a common inventor; applicants are familiar with the teaching of this reference.) With the control recited in the claims, one is able to achieve an excellent electrification property, fine particle size, and uniform shape by crushing the weak pulverization procedure, a fast rise speed electrification, and a sufficient electrification quantity, not only at a high rotation speed, but also at a low rotation speed. The Examiner is referred to Figs. 1 and 2 and the graphs shown therein for varying speeds of rotation. The references collectively do not teach or suggest the claimed invention and the rejection should be withdrawn.

The provisional double-patenting rejection of the examined claims over claims 9 to 16 of co-pending application No. 10/959,069 is acknowledged. Enclosed herewith is a Terminal Disclaimer rendering the provisional rejection moot.

The Examiner is thanked for acknowledging the receipt of the certified copy of the priority document and for listing references submitted with an Information Disclosure Statement.

In view of the foregoing revisions and remarks, it is respectfully submitted that the application is in condition for allowance. If the only barrier to allowance is the presence of

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non-elected claims 1 to 12, the Examiner is authorized to cancel those claims for that express purpose.

The Examiner is requested to telephone the undersigned should anything further be required in the case.

Very truly yours,

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